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PROMOTION AND PROTECTION OF HUMAN RIGHTS
STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Written statement*/ submitted by the International Federation of ACAT (Action of
Christians for the Abolition of Torture), a non-governmental organization in
special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2000]

*/ This written statement is issued, unedited, as received from the
submitting non-governmental organization(s).

ABOLITION OF THE DEATH PENALTY

1- The International Federation of Action by Christians for the Abolition of Torture reaffirms as a priority the abolition of the death penalty, believing that it negates the fundamental right to life granted to each human being under Article 3 of the Universal Declaration of Human Rights. No state should claim the right to put an end to human life, regardless of the seriousness of the acts committed.

2- FIACAT regrets that the draft resolution initiated by the European Union, demanding that all states still practising the death penalty should introduce a moratorium on capital punishment with a view to abolishing it entirely, has not been presented by the Third Commission to the United Nations General Assembly during its 54th session. Countries opposing this draft resolution argued against United Nations interference with their sovereignty over criminal justice, or claimed that their cultural, historical and economic diversity was not properly acknowledged. Yet, under the terms of the Vienna Declaration adopted during the World Conference on Human Rights in 1993, "it is the duty of the State, whatever its political, economic or cultural system, to promote and protect all human rights and fundamental freedoms".

3- FIACAT welcomes the initiatives taken to introduce a moratorium on capital punishment. Never have there been more executions carried out than in 1999. The initiatives taken reflect the concerns of the entire international community on this matter. Today more than half the number of all nations no longer apply the death penalty and countries are increasingly taking action to abolish it.

4- FIACAT would like to draw attention to the particularly worrying situation in three influential countries belonging to the international community: China, where the number of death sentences and executions is particularly high (according to our information, at least 2000 death sentences were carried out in 1998); and the only two industrialised nations that still carry out the death penalty, i.e. the United States and Japan. The authorities of those countries often claim that the majority of their populations are in favour of the death penalty. However, FIACAT remains convinced that a public information campaign highlighting the real significance of the death penalty is essential and that the political authorities need to take responsibility in this matter.

5- FIACAT deeply regrets that capital punishment continues to be used against offenders who were minors at the time the offences were committed. It appears that since 1990, nineteen juvenile offenders were executed in six countries, i.e. Saudi Arabia, the United States, Iran, Nigeria, Pakistan and Yemen. FIACAT particularly denounces the position of the United States in this matter. The United States is the only country to have carried out the execution of four of these nineteen minors since 1997 and is about to carry out three more juvenile offender executions in January 2000. This is all the more reprehensible since almost every nation throughout the world has already abolished the death penalty against minors. Equally deplorable is the fact that the death penalty in many countries continues to be carried out mainly against the underprivileged, i.e. the destitute or racial and ethnic minorities. This clearly reveals the discriminatory nature of the application of the death penalty. Nations should give greater weight to preventive measures such as integration and the rehabilitation of offenders.

6- FIACAT regrets that in a number of countries, in particular the United States, the death penalty should be carried out against the mentally disabled. It is clear that the death penalty is no more of a deterrent than any other punishment, a view that is reinforced by the fact that the mentally disabled are incapable of truly understanding the nature of their punishment.

7- FIACAT furthermore denounces the fact that other countries continue to carry out mass and public executions. These include Afghanistan, Vietnam, Saudi Arabia and China. 2600 people are said to have been sentenced to death in China in 1998. In the Philippines 1143 people, including a few minors, are currently awaiting execution. In Saudi Arabia executions are almost systematically carried out in public.

8- FIACAT stresses its concern over the lack of legal guarantees in most countries that still apply the death penalty. For instance, in the United States the Supreme Court ruled that the absence of a defence attorney during a hearing did not represent a violation of constitutional rights. In Saudi Arabia defendants do not have the right to be defended by lawyers and convictions are sometimes only based on a simple confession. President Estrada of the Philippines decided to postpone all executions in September 1999 so that a special committee could examine each convicted prisoner's case. Although this is to be welcomed FIACAT nevertheless regrets that this decision has not been accompanied by effective guarantees. For instance, on 26 October 1999 Pablo Andan, aged 27, was executed by lethal injection without his case having been examined by the special committee, in spite of last minute appeals.

9- Furthermore in some countries many offences that are not particularly reprehensible are nevertheless punishable by death. In China sixty offences, many of which not of a violent nature, carry the death penalty. In Saudi Arabia, a Saudi, Abdel Aziz, could be executed for manslaughter. In Iran, women are always sentenced to stoning for adultery. In the Democratic Republic of Congo a great number of death sentences were pronounced during the year, especially against soldiers belonging to the former Zaire armed forces for armed robbery. Over one hundred executions were denounced.

10- With this declaration FIACAT invites all nations to make an absolute obligation of the respect due to the right to life. It urges all countries to ratify those international and regional instruments on the death penalty that they have not already signed up to, in particular the second optional Protocol relating to the International Pact on Civil and Political Rights and Protocol no 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. FIACAT asks that the Human Rights Commission, as it did last year, should adopt a resolution demanding that nations that still carry out the death penalty introduce a moratorium on capital punishment with a view to abolishing it entirely, and submit such a resolution to the General Assembly during its next session.
